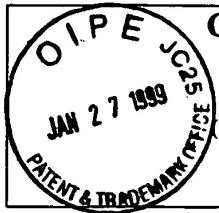


**Express Mail Label No.: EM443446666US**

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**



**Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))**

**CHECK BOX,  
if applicable:  
 DUPLICATE**

<b>ADDRESS TO:</b> Box CPA  <b>Assistant Commissioner for Patents</b> <b>Washington, D.C. 20231</b>	Attorney Docket No.	STK-071
	First Named Inventor	Rueger
	Examiner Name	D. Romeo
	Group Art Unit	1646

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/822,186,  
filed on March 20, 1997, entitled Improved Osteogenic Devices and Methods of Use Thereof for Repair of Endochondral  
Bone and Osteochondral Defects.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C., 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.

2.  A preliminary amendment is enclosed.

3.  This application is filed by fewer than all the inventors named in the prior application; 37 CFR 1.53(d)(4).

a.  ***DELETE*** the following inventor(s) named in the prior nonprovisional application:  
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b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4.  A new power of attorney or authorization of agent is enclosed.

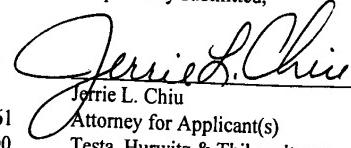
5.  Supplemental Information Disclosure Statement (IDS) is enclosed:

a.  PTO-1449

b.  Copies of IDS Citations

	(1) CLAIMS	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	35 - 20 =	15		x \$ 18 =	\$ 270.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	6 - 3 =	3		x \$ 78 =	\$ 134.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 260 =	\$ 260.00
				BASIC FEE (37 CFR 1.16(a))	\$ 760.00
			Total of above Calculations =		\$ 1,524.00
			Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).		\$ 0.00
				TOTAL =	\$ 1,524.00

6.  Small entity status:
  - a.  A small entity statement is enclosed.
  - b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
  - c.  is no longer claimed.
7.  A check in the amount of \$\_\_\_\_\_ is enclosed.
8.  The Commissioner is hereby authorized to credit overpayments or charge any additional fees required under 37 CFR 1.16 to Deposit Account No. 20-0531.
9.  A copy of the Petition and Fee for Extension of Time for three (3) months up to and including February 4, 1999 which was filed for the immediately prior application is enclosed herewith.
10. a.  Receipt for Facsimile Transmittal CPA (PTO/SB/29A).
   
b.  Return Receipt Postcard.

CORRESPONDENCE ADDRESS		SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted,  Jerrie L. Chiu Attorney for Applicant(s) Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110